

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**United States of America,**

**Criminal No. 04-276 (DSD/SRN)**

**Plaintiff,**

**v.**

**REPORT AND RECOMMENDATION**

**Matias Eduardo Solis-Guerra (07),**

**Defendant.**

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SUSAN RICHARD NELSON, United States Magistrate Judge

The above-entitled matter is before the undersigned United States Magistrate Judge on Defendant Matias Eduardo Solis Guerra's Motion to Suppress Evidence (Doc. No. 124) and Motion to Suppress Statements (Doc. No. 127). This case has been referred to the undersigned for resolution of pretrial matters pursuant to 28 U.S.C. § 636 and District of Minnesota Local Rule 72.1. For the following reasons, the Court recommends that the motions be denied without prejudice.

Defendant Solis-Guerra was indicted on July 7, 2004. On July 29, 2004, Defendant Solis-Guerra filed several motions in advance of the criminal pretrial motions hearing scheduled in this case. On December 22, 2004, Defendant Solis-Guerra requested and received permission to travel to Mexico and visit his family. Apparently, he never returned.

This Court held the pretrial motions hearing on January 21, 2005. Defendant Solis-Guerra did not appear, and the Court therefore did not hear his motions. Consequently, Defendant Solis-Guerra's suppression motions remain pending and are subject to the reporting requirements of the Civil Justice Reform Act.

Accordingly, the Court recommends that the Motion to Suppress Evidence and the

Motion to Suppress Statements be denied without prejudice. If Defendant Solis-Guerra makes a future appearance in this case, his lawyer may bring new motions.

Based upon all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. Defendant Matias Eduardo Solis Guerra's Motion to Suppress Evidence (Doc. No. 124) be **DENIED WITHOUT PREJUDICE**; and
2. Defendant Matias Eduardo Solis Guerra's Motion to Suppress Statements (Doc. No. 127) be **DENIED WITHOUT PREJUDICE**.

Dated: December 4, 2007

s/ Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by December 19, 2007, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Court of Appeals.